

Doc. #

4685

15A.

MEMORANDUM

NOVEMBER 21, 1985

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: KEVIN MORRISON, ASSISTANT GENERAL COUNSEL

SUBJECT: AMENDMENT NO. 2 PROFESSIONAL SERVICES CONTRACT
SAUL A. SCHAPIRO

On March 7, 1985 the Authority voted to authorize the Director to enter into a Professional Services Contract (the "Contract") with Saul A. Schapiro, Esq. to represent the Authority in the appeal of the condominium conversion case involving Hawthorne Place in Charles River Park. In accordance with that vote the Contract was executed on March 19, 1985 and the total compensation thereunder was an amount not to exceed \$25,000.

On August 21, 1985, the Authority voted to authorize the Director to execute Amendment No. 1 to the same Contract which amended the scope of services to include whatever legal actions deemed appropriate in connection with the proposed condominium conversion of Whittier Place, also within Charles River Park. Amendment No. 1 was executed on September 16, 1985.

The appeal on the Hawthorne case is presently pending before the Appeals Court and additional work may be required relative to the case. In regard to the Whittier case, two actions are pending respectively in the Federal District Court and the Boston Housing Court and additional work will be required in connection with discovery and trial of both actions.

In order to proceed on both cases, it is recommended that the Authority authorize Amendment No. 2 to the Contract which would increase the maximum compensation thereunder by \$40,000.

An appropriate vote follows:

VOTED: That the Director be, and he hereby is, authorized to execute Amendment No. 2, in substantially the form attached hereto, to a certain Professional Services Contract with Saul A. Schapiro, Esq., dated as of March 19, 1985, as amended by Amendment No. 1, dated as of September 16, 1985.

AMENDMENT NO. 2 TO THE CONTRACT
BY AND BETWEEN
BOSTON REDEVELOPMENT AUTHORITY
AND
SAUL A. SCHAPIRO

The Agreement (the "original Agreement") entered into on March 19, 1985, by and between the Boston Redevelopment Authority and Saul A. Schapiro, as amended by Amendment No. 1 ("Amendment No. 1") is hereby amended as follows:

Section II (Compensation) shall be amended as follows:

1. In the first sentence of the first paragraph of this section, add after the word "Contractor" the phrase, "... or any partner thereof approved in advance by the Authority's designee...".
2. In the last sentence of the final paragraph of this section, delete the phrase "fifty thousand dollars (\$50,000)" and insert the phrase "ninety thousand dollars (\$90,000) thereof."

Except as amended above all other provisions in the original Agreement as amended by Amendment No. 1 remain in full force and effect.

This Amendment No. 2 is executed this _____ day of November, 1985.

ATTEST

BOSTON REDEVELOPMENT AUTHORITY

By: _____
Stephen Coyle, Director

CONTRACTOR

By: _____
Saul A. Schapiro

APPROVED AS TO FORM

Assistant General Counsel